

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

RODERIC THEODORE	§	PLAINTIFF
	§	
v.	§	Civil Action No. 1:08CV1407-LG-RHW
	§	
JACQUELYN BANKS, Warden	§	DEFENDANTS

ORDER ADOPTING PROPOSED FINDINGS OF FACT AND RECOMMENDATION

BEFORE THE COURT is the Proposed Findings of Fact and Recommendation [12] entered by United States Magistrate Judge Robert H. Walker. Judge Walker recommends that the Motion to Dismiss [4] filed by Jacquelyn Banks be granted, and that petition filed by the plaintiff, Roderic Theodore, be dismissed as time barred.

Theodore was advised that he must file any objections to Judge Walker's recommendations within ten days of being served with a copy of the Proposed Findings of Fact and Recommendation. The Court record reveals that Theodore has not filed an objection to the Proposed Findings of Fact and Recommendation.

Where no party has objected to the Magistrate Judge's proposed findings of fact and recommendation, the Court need not conduct a *de novo* review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having conducted the required review, the Court finds that Judge Walker's Proposed Findings of Fact and Recommendation is neither clearly erroneous nor contrary to law. Therefore, the Court finds that the Proposed Findings of Fact and Recommendation entered by

United States Magistrate Judge Robert H. Walker should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Proposed Findings of Fact and Recommendation [12] entered by United States Magistrate Judge Robert H. Walker, be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Motion to Dismiss [4] filed by Jacquelyn Banks is **GRANTED**. This lawsuit is hereby **DISMISSED**.

SO ORDERED AND ADJUDGED this the 26th day of August, 2009.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE